

REMARKS

Claims 1-20 remain pending in the application. Applicant further has amended claims 1-11, and 19-20 in order to more particularly point out and distinctly claim the subject matter of Applicant's invention. No new matter is added by way of the amendments.

Applicant has submitted herewith a terminal disclaimer in the instant case in view of U.S. Patent No. 6,683,044. It is respectfully urged that said terminal disclaimer renders moot the rejection contained in the Official Action at Paras. 6-7.

In accordance with the amendments to the claims, Applicant has more specifically set forth the recited limitations, more particularly pointing out and distinctly claiming the subject matter of Applicant's invention; to wit, that the bubble of Applicant's invention, when blown in singular form, is structurally defined for floating in an integral and discrete form through the air for a period of time. This characteristic is not known or seen to be present in the prior art, as discussed more fully below.

For example, a bubble formed in accordance with Applicant's invention materially differs from the subject matter disclosed in the Brittin *et al.* '256 reference. As best understood by Applicant (and as Examiner seemingly concurs in interpretation), Brittin *et al.* defines a carbon dioxide gas which is passed through a solid trapping surface

or, alternatively, bubbled through a liquid. In Brittin's carbon dioxide-through-liquid embodiment, the bubbles are not structurally cohesive as defined in applicant's invention and collapse upon meeting the liquid surface or, at best, would form foam upon the liquid surface. In either such event, collapse of a carbon dioxide bubble of the Brittin *et al.* device merely provides a carbon dioxide-rich gaseous envelope above the liquid for attracting insects into contact with the liquid, whereupon they drown.

By contrast, applicant's bubble is formed as by blowing a child's play bubble, wherein the bubble is formed individually *by blowing a gas to be trapped within a structural film*, in the air, and for release into the air, whereupon it floats "downwind" for such a period of time upon air currents and through the air until it finally collapses and disperses the animal attractant in atomized form through the air. Brittin *et al.* does not contemplate, teach, or suggest such bubble formation, structure, bubble longevity, or purpose. Nor do the bubbles of Brittin *et al.* demonstrate the same structural limitations or capabilities of Applicant's bubble. Rather, Britton *et al.* contemplates that the carbon dioxide bubble collapses immediately and forms a gaseous blanket above the liquid surface for attracting insects thereto. The bubbles of Britton *et al.* *do not and cannot escape the liquid in which they are formed* and do not float in the air for a defined period of time before collapsing. Nor could the Brittin bubble even escape the liquid without additional mechanical assistance, likely only achieved by changing the overall structure for creating the Brittin bubble.

Applicant's invention, on the other hand, dissociates the bubble and its carried attractant from the locus of creation, and carries the attractant in bubble form upon the air for a distance and time, thereby displacing the attractant from the locus of creation. Applicant's invention is, thereby, uniquely structurally enabled to carry out this important difference.

In further support of patentability of Applicant's invention as defined in this amendment, Applicant herewith submits print-outs from the Merriam Webster online dictionary, wherein the word "discrete" is defined to mean "constituting a separate entity;" "individually distinct;" and "consisting of distinct and unconnected elements." The same dictionary defines the word, "integral," to mean "lacking nothing essential: entire." None of the asserted references is seen to provide a "single animal attractant bubble for floating in integral and discrete form for a period of time through the air" Similarly, and with specific exception to the assertion to the contrary by the Examiner, none of the asserted references is seen to be capable of "floating in integral and discrete form for a period of time through the air" This is specifically true in that none of the references combines the single, integral, and discrete structure (a gas entrapped within the integral, discrete, airborne film of a single bubble) of Applicant's bubble with the requisite surface active agent and animal attractant agent as defined within Applicant's claims.

Similarly, as best understood by Applicant, the device of Miller *et al.* '403 is a sprayer device for disbursing a droplet-carried spray of liquid attractant through the air. As contrasted with applicant's invention, whereby an integral bubble (i.e., a gas-filled structure) is disbursed through the air carrying an attractant, Miller *et al.* teaches use of a compressed gas propellant to disburse a liquid-droplet attractant through the air. This is a clear structural and inventive difference not shown by Miller *et al.*, nor by any reference of record.

Although animal estrous attractants are known, e.g., Bell '342, no known reference teaches the combination of structural features claimed by Applicant, nor taught in the methods thereof, nor are the advantages of same hinted at in the known prior art.

CONCLUSION


In view of the foregoing amendments and remarks, which add no new matter, Applicant respectfully submits that the present application is now in condition for allowance, and such action is respectfully requested. Should the Examiner have any questions, she is invited to contact the undersigned attorney at the telephone number provided below.

Respectfully submitted,

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Main Entry: **dis·crete** *dis·*
Pronunciation: 'dis-'krēt, 'dis-,
Function: *adjective*
Etymology: Middle English, from Latin *discretus*
Date: 14th century

1 : constituting a separate entity : individually distinct <several *discrete* sections>
2 a : consisting of distinct or unconnected elements : NONCONTINUOUS **b** : taking on or having a finite or countably infinite number of values <*discrete* probabilities> <a *discrete* random variable>

synonyms see **DISTINCT**
— **dis·crete·ly** *adverb*
— **dis·crete·ness** *noun*

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<<http://www.merriam-webster.com/dictionary/discrete>>

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1 integral (adjective)

2 integral (noun)

definite integral

improper integral

Main Entry: **'in-te-gral**

Pronunciation: \in-ti-grəl (usually so in mathematics); in-'tē-grəl also -'tē- also -'in-trə-gəl

Function: *adjective*

Date: 1551

1 a : essential to completeness : *CONSTITUENT* <an *integral* part of the curriculum> **b (1)** : being, containing, or relating to one or more mathematical integers **(2)** : relating to or concerned with mathematical integrals or integration

c : formed as a unit with another part <a seat with *integral* headrest>

2 : composed of integral parts

3 : lacking nothing essential : *ENTIRE*

— **in-te-gral-ity** \in-tə-'grā-lə-tē *noun*

— **in-te-gral-ly** \in-ti-'grə-lē; in-'tē-grə- also -'tē- *adverb*

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